

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PEGGY S. BLUMER,)	
)	
Plaintiff,)	Civil Action No. 2:12-cv-01888
)	
v.)	Judge Nora Barry Fischer
)	
WASHINGTON TROTTING)	
ASSOCIATION, INC.,)	<i>ELECTRONICALLY FILED</i>
)	
Defendant.)	

MOTION TO STAY SUMMARY JUDGMENT DEADLINES

NOW COMES Defendant, Washington Trotting Association, Inc. (“Defendant”), by and through its undersigned counsel, and files this Motion to Stay Summary Judgment Deadlines, and in support thereof states as follows:

1. On or about March 3, 2014, at the post-discovery status conference in the above-captioned action, and upon Plaintiff’s oral motion for an extension of time within which to conduct discovery, this Court issued an order extending the close of discovery by sixty-days, from February 28, 2014 to May 5, 2014.
2. This Court’s March 3, 2014 Order [ECF 42] also ordered that Plaintiff was to respond to all outstanding discovery requests – including interrogatories, requests for production and requests for admission – by March 17, 2014 at 5:00 pm.
3. The Order further required Plaintiff to make herself available for deposition following the March 17 deadline for production of her discovery responses, but no later than March 31, 2014.
4. In addition to addressing discovery deadlines, the Order also set forth the following schedule for summary judgment submissions:

- a. June 5, 2014: submission of motions for summary judgment and supporting materials.
- b. July 7, 2014: submission of responses to motions for summary judgment and supporting materials.
- c. July 14, 2014: submission of any replies and supporting materials; and
- d. July 21, 2014: submission of any sur-replies.

5. Despite the directives of this Court's Order, Plaintiff has not served any discovery in this action, and, further, she has failed to comply with the deadlines set forth in the Order, regarding Plaintiff's overdue responses to Defendant's outstanding interrogatories, document requests and requests for admission.

6. In response to Plaintiff's failure, *inter alia*, to comply with the deadlines set forth in this Order, Defendant filed a Motion to Dismiss, pursuant to Rule 41, along with a supporting brief [ECF 46, 47], on May 12, 2014.

7. Defendant's pending Motion to Dismiss, however, is not likely to be disposed of before June 5, 2014, the current deadline for the submission of motions for summary judgment.

8. In the interests of judicial economy and the avoidance of the unnecessary expenditure of party resources, Defendant respectfully requests that this Court stay the deadlines for summary judgment set forth in the March 3, 2014 Order, until this Court rules on Defendant's pending Motion to Dismiss.

WHEREFORE, Defendant respectfully requests that the summary judgment deadlines set forth in this Court's Order of March 3, 2014 be stayed, pending the Court's ruling on Defendant's Motion to Dismiss for Plaintiff's Failure to Comply

with Court Orders and Deadlines. For the convenience of the Court, a proposed order has been submitted herewith.

Dated: May 21, 2014

Respectfully submitted,
JACKSON LEWIS, P.C.

s/Melissa L. Evans

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